

Chapter 15 - LICENSES AND PERMITS

Section 15.01 WINE LICENSE

(a) **Purpose.** This ordinance provides for issuance of Class C alcohol licenses for wine sales under section 125.51(3m) of the Wisconsin Statutes.

(b) **Issuance Conditions.** The Town Board may approve issuance of a license when the following conditions are met:

(1) A reasonable expectation exists, after consideration of past practice and business plan of operation, that more than 50% of revenues by the applicant are received from non-alcohol sales, determined by gross receipts; and

(2) The premises description for license issuance does not include a barroom, as verified by one or more town officers, employees or agents; and

(3) A completed application form, containing all relevant information requested has been submitted to the clerk for Town Board review; and

(4) The Town Board has evaluated the applicant's arrest or conviction history which is found to be acceptable; and

(5) The applicant has resided in Wisconsin at least 90 days, or is a Wisconsin corporation with a resident agent; and

(6) The applicant is in compliance with other statutory and ordinance regulations affecting the business operation or person applying.

(c) **Fees.** Prior to actual license issuance by the clerk, the fees must be submitted by the applicant. Where past payment history or reputation justifies such action, the clerk, in the clerk's discretion, may require payment by cash, cashiers check, or money order. The fee is for a full license year, running July 1 to next June 30. Fees shall be pro rated to the nearest half month in the event an application is made during the license year, by calculating the first date of possible issuance. In no case will the annual fee exceed \$100.00.

(d) **Payment Deadline.** The license fee shall be submitted at the time of application delivery to the town.

(e) **Business Verification.** Where appropriate, the Town Board may require verification that the above conditions, or other conditions of statutory or ordinance laws are met, including, but not limited to, the proportion of gross receipts test. This may periodically occur by Town Board direction.

Section 15.02 DOGS.

(a) **Definitions.** In this ordinance:

- (1) “Collar means a band, strip, or chain placed around the neck of a dog.
- (2) “Harboring” a dog means to afford it lodging, to shelter it, or give it refuge.
- (3) “Kennel” means any establishment where dogs are kept for the purpose of breeding, sale, boarding, or sporting purposes.
- (4) “Owner” includes a person who owns, harbors, keeps, or controls a dog.

(b) **License Required.** Every person residing in the Town of Turtle who owns a dog of more than 5 months of age on January 1 of any year or 5 months of age within the license year shall annually, or on or before the date such dog becomes 5 months of age, obtain a license therefor. The provisions of this section do not apply to:

- (1) Dogs whose owners are nonresidents temporarily within the Town;
- (2) Dogs brought into the Town for the purposes of participating in dog shows;
- (3) Dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons; or
- (4) Dogs kept only for educational or scientific purposes.

(c) **License Period.** The license period shall commence on January 1 and end the following December 31.

(d) **License Fees.** The license fee shall be the amount required by section 174.05(2) of the Wisconsin Statutes or such higher amount as may be adopted by resolution of the Town Board.

(e) **Late Fees.** All persons purchasing dog licenses after April 1 shall pay a late fee of \$5.00 per dog license.

(f) **Untagged Dog.** The owner shall attach the license tag to a collar and such collar with the tag attached shall be kept on the dog at all times. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors, unless the dog is security confined in a fenced area.

(g) **Vaccination Required.** The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches 4 months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this state after the dog has reached 4 months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the state unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or if no date is specified, within 3 years after the previous vaccination. This vaccination requirement shall not apply to dogs that are kept only for educational or scientific purposes pursuant to section 174.054 of the Wisconsin Statutes.

(h) **Rabies Certificate.** A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the Wisconsin Department of Agriculture, Trade and Consumer Protection stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccine administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the United States Department of Health and Human Services and the city, village or town where the dog is required to be licensed.

(i) **Vaccination Records.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.

(j) **Rabies Vaccination Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.

(k) **Tag To Be Displayed.** The owner shall attach the rabies vaccination tag to a collar and the collar with the tag shall be kept on the dog at all times. However, this requirement does not apply to:

- (1) A dog during competition or training;
- (2) A dog while hunting;
- (3) A dog securely confined indoors;
- (4) A dog securely confined in a fenced area; or
- (5) A dog while actively involved in herding or controlling livestock if the dog is under the control of its owner.

(1) **Maximum Number of Dogs.** No person shall keep or harbor more than 3 dogs over 5 months of age on any premises within the Town of Turtle without first obtaining a kennel license from the Town.

Section 15.03 DOG KENNELS.

(a) Definitions.

(1) “Dog Kennel” means any establishment, place or entity where four or more dogs are kept for the purpose of breeding, sale, training, boarding, grooming, or sporting purposes.

(2) “Dog” means any dog five months of age or older.

(b) Permit.

(1) There is created a Kennel Permit for the Town of Turtle.

(2) Applications for a Kennel Permit shall be obtained from the Town Clerk.

(3) All applications for a Kennel Permit shall be approved by the Town Board. If an application is approved by the Town Board, the applicant shall pay to the Town Clerk a non-refundable fee each year or portion thereof prior to the issuance of the permit. The Town Board shall establish the amount of the fee.

(4) Any Kennel Permit issued under this section shall be effective for a period of one year commencing April 1 and ending March 31.

(c) **Permit Required.** It shall be unlawful to own, operate or possess a dog kennel within the Town of Turtle without a valid Kennel Permit. Holders of Kennel Permits must comply at all times with the provisions of this Ordinance. Any violations of such provisions shall be grounds for revocation of the Kennel Permit by the Town Board in addition to the penalties specified herein.

(d) Requirements of Kennel.

(1) No dog kennel may house more than 12 dogs at one time.

(2) Dogs kept pursuant to a Kennel Permit must also be licensed pursuant to Chapter 174 of the Wisconsin Statutes and such keeping must be in compliance with Chapter 174 at all times.

(3) All dogs shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.

(4) The building in which the dogs are kept shall be maintained in a clean condition and a good state of repair. The building shall allow adequate protection against weather extremes.

(5) All dog pens or enclosures shall be sufficiently large to permit freedom of movement to the dogs confined therein.

(6) Food supplies shall be stored in rodent proof containers and be free from contamination. Food supplies shall also be wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the dog.

(7) All dogs shall have potable water available at all times.

(8) Feces shall be removed from yards, pens, and enclosures daily and stored in tightly covered metal containers until final disposal.

(9) Yards, pens, and enclosures and the dogs themselves shall be kept free of insect infestation.

(10) No odor nuisance shall be permitted.

(11) No repeated or continual barking, such as constitutes a noise nuisance, shall be permitted.

(e) **Minimum Area Requirements.** A minimum of ten (10) contiguous acres either owned or rented by the applicant shall be required on which to locate each dog kennel in the Town of Turtle.

(f) **Location and Conditional Use.** Dog Kennels under this Ordinance may be located in the Exclusive Agricultural District One (A-1), the General Agricultural District Two (A-2), or the Small Scale Agricultural District Three (A-3), but the owner of the property must obtain a conditional use permit before placing a dog kennel on the property.

(g) **Right to Entry.** The Building Inspector shall have the right to enter upon private property where the dog kennels are located during reasonable hours to inspect the dog kennels to determine whether they are in compliance with this Ordinance. When entry is refused, the Building Inspector may seek an inspection warrant as provided in section 66.0119 of the Wisconsin Statutes.

Section 15.04 TRANSIENT MERCHANTS

(a) **Regulation.** No transient merchant shall engage in the sale of merchandise within the Town of Turtle without first obtaining a license from the Clerk in compliance with the provisions of this ordinance. A separate license shall be obtained for each type of business. The license shall be issued to the person by the Town Clerk prior to the person soliciting orders, offering sales, or engaging in business covered by this ordinance.

(b) **Definitions.** When used in this ordinance, the following terms shall have the meanings set forth herein:

(1) “Sale of Merchandise” means the transfer or conveyance of goods, wares and commodities in exchange for money and includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a farmer who is a resident of the Town of Turtle of personal property used on the farm or the sale of produce or other perishable products at retail or wholesale by a resident of the Town of Turtle.

(2) “Transient Merchant” is a person who engages in the sale of merchandise at any place in the Town of Turtle temporarily and who does not intend to become and does not become a permanent merchant of the Town of Turtle.

(c) **Fee.** The fee for the license shall be established by resolution of the Town Board.

(d) **Exemptions.** This ordinance shall not apply to the following:

(1) Wholesalers selling person property at wholesale to dealers, distributors, or retainers.

(2) Newspaper, periodicals, fuel, dairy products or bakery goods delivery people.

(3) Children under 18 years of age.

(4) Town merchants or employees of those merchants taking orders for or delivering goods in the regular course of business in the Town of Turtle.

(5) Farmers and truck gardeners offering for sale agricultural perishable products that were raised or cultivated by them.

(6) A veteran holding a state license under section 440.51 of the Wisconsin Statutes.

(7) Sales in the Town of Turtle required by statute or court order.

(8) Auction sales in the Town of Turtle conducted for public purchase under state law.

(9) Sales of services or property in the Town of Turtle conducted under another Town of Turtle license or permit.

(e) **Application.** An application for a license under this ordinance shall be completed by the applicant and filed with the Clerk and shall contain such information as the Clerk shall require. The license fee shall be paid to the Town Clerk at the time the application is filed.

(f) **License Not Transferable.** The license shall not be transferable to another person.

(g) **Display of License.** Persons licensed under this section shall carry their licenses with them while engaged in licensed activities and shall display such licenses to any police officer or citizen upon request.

(h) **Compliance With Laws.** Any person subject to this ordinance shall comply with all federal, state, county and town laws and regulations, including this ordinance, regarding the sale of property and services in the Town of Turtle.

(i) **Expiration.** The Clerk shall date all licenses issued hereunder and shall specify thereon the date of expiration. Licenses shall be issued on a calendar year basis and expire December 31 of the year of issue.

(j) **Renewal.** Applications for renewals shall be handled in the same manner as original applications.

(k) **Penalty.** Any person who fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Town may seek injunctive relief to enjoin further violations.

State Law Reference: This ordinance is adopted under the general police powers authority granted pursuant to sections 60.22 and 66.0423 of the Wisconsin Statutes.

Section 15.05 FIREWORKS PERMITS

(1) DEFINITIONS. In this section, the following words and phrases shall have the meanings set forth below.

(a) “Class 1 Fireworks” means fireworks classified by the Federal Department of Transportation as Division 1.3 explosives as defined in 49 CFR 173.50 or any other fireworks for which a manufacturer or a dealer must obtain a license as required by 18 USC 843. “Class 1 Fireworks” are also known as “display” fireworks which must be shipped in cartons or packages having an orange, diamond-shaped label which reads “1.3G”.

(b) “Class 2 Fireworks” means fireworks as defined by §167.10(1), Wis. Stats., excluding Class 1 and Class 3 fireworks. Except as provided in paragraph (c)(7) and (8) below, “Class 2 Fireworks” are explosives classified by the Federal Department of Transportation as Division 1.4 explosives as defined in 49 CFR 173.50. “Class 2 Fireworks” are also known as “common” fireworks which must be shipped in cartons or packages having an orange, diamond-shaped label which reads “1.4G”.

(c) “Class 3 Fireworks” means:

1. A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
2. A toy snake which contains no mercury.
3. A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to project audible and visible effects.
4. A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
5. A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
6. A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects.
7. A cylindrical fountain that consists of one or more tubes and that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

8. A cone fountain that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

(d) “Fireworks” means Class 1, 2 and 3 fireworks.

(e) “Fireworks display” means a display of Class 1 or 2 fireworks by an entity holding a permit to use Class 1 or 2 fireworks.

(f) “Minor” means a person who has not attained the age of 18 years, except that for purposes of investigating or prosecuting a person who is alleged to have violated this section of the municipal code, “minor” does not include a person who has attained the age of 17 years. See §990.01(20), Wis. Stats.

(2) SALE OF CLASS 3 FIREWORKS.

(a) Permit Required. No person may sell Class 3 fireworks or possess Class 3 fireworks with intent to sell the same without having first obtained a permit to do so from the Town Clerk. A separate permit is required for each location at which Class 3 fireworks are sold.

(b) Permit Fee. The fee for a seller’s Class 3 fireworks permit shall be established by the Town Board.

(c) Term of Class 3 Permit.

1. *Annual Class 3 permits*. An annual seller’s Class 3 fireworks permit shall be issued for a one-year period commencing on July 1 and ending on June 30. Annual Class 3 fireworks permits may only be issued to entities which hold a Class 2 seller’s permit issued pursuant to subsection (3) of this section.

2. *Temporary permits*. A temporary Class 3 fireworks permit shall be issued for a 30-day period which shall commence not earlier than June 1 and shall end not later than August 1 in any calendar year. Temporary Class 3 fireworks permits may be issued for indoor or outdoor locations which comply with all Federal, State and local laws regulating the storage and handling of Class 3 fireworks.

(d) Contents of Application and Permit. The application for a seller’s Class 3 fireworks permit shall be made on the form furnished by the Town Clerk. The completed application shall be filed with the Clerk. The application and permit shall specify, at minimum:

1. The name and address of the applicant/permit holder.
2. The dates between which Class 3 fireworks may be sold.

3. The address at which the sale of Class 3 fireworks will be sold.
4. A detailed description of the premises where the licensed activities is authorized.
5. The applicant's Wisconsin sales tax identification number.
6. A description of the Class 3 fireworks that the applicant proposes to sell.

(e) Sale of Unlisted Fireworks Prohibited. No person holding a Class 3 fireworks permit may sell any Class 3 fireworks which are not listed on the seller's application for a Class 3 fireworks permit unless the application is amended to include all Class 3 fireworks the seller proposes to sell and such amendment is approved by the Fire Chief.

(f) Investigation. The Town Clerk may refer the application to the Fire Chief and the Chief of Police for investigation. If an application for a Class 3 fireworks license is filed with the Town Clerk on or before June 1, the Police Chief and Fire Chief shall approve or deny the application on or before the following July 1. In all other cases, the Fire Chief and the Police Chief shall indicate, within 30 days of the date that the application is filed, whether they approve or disapprove the application. If the Fire Chief or Police Chief disapproves the application, he or she shall state the reason(s) for disapproval. The grounds for disapproving a permit include, but are not limited to, the following:

1. The applicant has been convicted of a violation of a State or local law pertaining to the manufacture, sale, use or possession of fireworks during the past 5 years.
2. The zoning for the licensed premises does not permit the sale, storage or handling of fireworks at the proposed location.
3. The storage, possession, handling or sale of fireworks at the proposed location will endanger public safety.
4. The fireworks that the applicant proposes to sell are not Class 3 fireworks as defined in this section.

(g) Appeal. If a seller's application for a Class 3 fireworks permit is disapproved, the applicant may request a review of the decision or appeal the decision in the manner provided in Chapter 21 of the Town Ordinances.

(h) Seller's Tax Identification Number. No person shall be eligible for a seller's Class 3 fireworks permit unless the applicant has a Wisconsin sales tax identification number. The applicant shall provide the Wisconsin sales tax identification number on the license application form.

(3) SALE OF CLASS 2 FIREWORKS.

(a) Permit to Sell or Deal. No person may sell or deal in Class 2 fireworks in the Town of Turtle or possess Class 2 fireworks with intent to sell or deal in Class 2 fireworks in the Town of Turtle without first obtaining an annual Class 2 fireworks permit from the Town Clerk. A Class 2 fireworks permit authorizes a resident wholesaler or jobber to sell Class 2 fireworks from a permanent indoor location to:

- (1) A person outside of the State of Wisconsin; or
- (2) An entity holding a user's Class 1 fireworks permit issued pursuant to subsection (4) of this section and §167.10(3)(c)1-7, Wis. Stats.

(b) Rules Pertaining to Sales to Persons Outside of Wisconsin. No person holding a Class 2 fireworks permit may sell Class 2 fireworks to persons outside of Wisconsin unless:

- (1) The customer provides the permit holder proof that the customer is 18 years of age or older and a nonresident of the State of Wisconsin.
- (2) The customer completes an order form disclosing the customer's name, address, telephone number and a description of the identification presented to establish the customer's age and residency.
- (3) All order forms must be signed by the customer.
- (4) The Class 2 license holder must retain the order forms from each customer for a period of at least one year.

(c) Term of Permit; Permit Fee. The Class 2 fireworks permit shall be issued for a one-year period commencing on July 1 and ending on June 30. The annual permit fee shall be established by the Town Board.

(d) Contents of Application. The application for a Class 2 fireworks permit shall be on a form furnished by the Town Clerk which shall, at minimum, require the following information to be disclosed:

- (1) The name, address and phone number of the applicant and the name, address and phone number of the proposed permit holder, if different from the applicant.
- (2) The address at which Class 2 fireworks will be sold.
- (3) A detailed description of the premises where the licensed activities will occur.

(4) The applicant's Wisconsin sales tax identification number.

(5) A description of the Class 2 fireworks that the applicant proposes to sell.

(e) Approval or Disapproval of Applicant. The Town Clerk shall refer the application to the Fire Chief and the Chief of Police for investigation. If an application for a Class 2 fireworks license is filed with the Town Clerk on or before June 1, the Police Chief and Fire Chief shall approve or deny the application on or before the following July 1. In all other cases, the Fire Chief and Police Chief shall indicate within 30 days of the date the application is filed whether they approve or disapprove the application. If the Fire Chief or Police Chief disapproves the application, he or she shall state the reason for disapproval. The grounds for disapproving a permit include, but are not limited to the following:

(1) The applicant has been convicted of a violation of a State law or local law pertaining to the manufacture, sale, use or possession of fireworks during the past 5 years.

(2) The zoning for the licensed premises does not permit the sale, storage or handling of fireworks at the proposed location.

(3) The storage, possession, handling or sale of fireworks at the proposed location will endanger public safety.

(4) The fireworks that the applicant proposes to sell are not Class 2 fireworks as defined in this section.

(f) Appeal. If a seller's application for a Class 2 fireworks permit is disapproved, the applicant may request a review of the decision and/or may appeal the decision in the manner provided by Chapter 21 of the Town Ordinances.

(4) MANUFACTURE OF FIREWORKS; CLASS 1 FIREWORKS PERMIT.

(a) Manufacture of Fireworks. No person may manufacture Class 1, 2 or 3 fireworks in the Town of Turtle without first obtaining a Wisconsin manufacturer's license required by §167.10(6m), Wis. Stats., and a Federal manufacturer's license required by Title 18 USC 843.

(b) Sale and Possession of Class 1 Fireworks. No person may sell or possess Class 1 fireworks in the Town of Turtle without first obtaining a Federal license to do so as required by 18 USC 843.

(c) Use of Class 1 and Class 2 Fireworks. No person shall use Class 1 or 2 fireworks in the Town of Turtle without first obtaining a user's Class 1 fireworks permit from the Town Chairperson. The application for a user's Class 1 fireworks permit shall

be made on a form furnished by and filed with the Town Clerk. The application and permit shall specify, at minimum, the information required by §167.10(3)(f), Wis. Stats. The applicant shall also provide the name, address and telephone number of the person who will be supervising the operation of the fireworks display. A user's Class 1 fireworks permit may be issued by the Town Chairperson only to the following:

1. A public authority.
2. A fair association.
3. An amusement park.
4. A park board.
5. A civic organization.
6. Any individual or group of individuals.
7. An agricultural producer for the protection of crops from predatory birds or animals.

The City Fire Chief and Police Chief shall be given a copy of the permit at least 5 days in advance of the date of authorized use. The Police Chief and the Fire Chief shall investigate the applicant and the location where the Class 1 and/or 2 fireworks will be used or displayed. The Fire Chief and the Police Chief shall indicate in writing his or her approval or disapproval of the application, stating the reasons if he or she should disapprove. The grounds for disapproval include, but are not limited to, the grounds for denial specified in subsection (2)(f)1.-3. above. The applicant may appeal the decision of the Police or Fire Chief to the Town Board.

(5) FEE FOR USER'S CLASS 1 FIREWORKS PERMIT.

The fee for a user's Class 1 fireworks permit shall be the fee established by the Town Board. The applicant shall pay a separate license fee for each day for which a user's Class 1 fireworks permit is issued.

(6) FIREWORKS DISPLAYS.

No person, other than the holder of a Class 1 user's permit, may use or possess any kind of fireworks, except sparklers described in subsection (1)(c)3., above while attending a fireworks display which is open to the public and for which a user's Class 1 fireworks permit has been issued pursuant to subsection (4) of this section.

(7) PARENTAL LIABILITY FOR ACTS OF MINORS.

A parent, foster parent, treatment foster parent, family-operated group home parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for the damages caused by the minor's use of the fireworks.

(8) SELLING OR FURNISHING FIREWORKS TO A MINOR PROHIBITED.

(a) No person may sell or furnish Class 1 or 2 fireworks to any minor.

(b) No person may possess Class 1 or 2 fireworks with the intent to sell or furnish the same to a minor.

(c) No person shall permit a minor to use Class 1 or 2 fireworks.

(d) No person, except a minor's parent, legal guardian, foster parent or a family-operated group home parent, may sell or furnish Class 3 fireworks to a minor or permit a minor to use Class 3 fireworks.

(9) POSSESSION AND USE OF FIREWORKS BY MINORS PROHIBITED.

No minor shall:

(a) Use Class 1 or 2 fireworks.

(b) Possess Class 1 or 2 fireworks.

(c) Purchase Class 1, 2 or 3 fireworks.

(d) Falsely represent that he/she has attained the legal age to purchase, possess or use fireworks.

(10) STORAGE AND HANDLING OF FIREWORKS.

No person shall store or handle fireworks in the Town of Turtle in violation of any of the provisions of §167.10(6), Wis. Stats., which is incorporated herein by reference. Any person holding a Class 2 fireworks permit shall comply with the following handling and storage requirements:

(a) All Class 2 fireworks shall be displayed for sale behind a counter or other area inaccessible to customers or the public.

(b) No fireworks of any kind may be stored outside of any building, including the retail establishment.

(c) The building in which fireworks are stored and sold shall have a fire wall erected in accordance with the specifications of the Fire Department. The wall shall be placed between the area of the building open to customers and the public and the area used to store fireworks. The wall shall have a minimum 2-hour fire rating.

(d) Only one sample of each type of Class 2 fireworks may be displayed for public view in the permit holder's showroom.

(e) The storage area for Class 2 fireworks shall have:

1. No electric outlets or circuit breakers.
2. Only explosion-proof lighting.
3. Appropriate exits.
4. No windows.
5. No customer shall be permitted to have contact with Class 2 fireworks while the customer is in the retail establishment.
6. The holder of the Class 2 fireworks permit shall comply with all local, State and Federal regulations pertaining to the handling and storage of Class 2 fireworks. In addition, the holder of the Class 2 fireworks permit shall comply with any directives of the Fire Chief which the Fire Chief reasonably believes are necessary in order to protect the health, safety and welfare of citizens. Any person aggrieved by any directive or order of the Fire Chief may request review of the order or directive or appeal the Chief's order or directive in the manner provided by Chapter 21 of the Town Ordinances.

(11) SEIZURE OF FIREWORKS.

Fireworks which are stored, handled, sold, possessed or used by a person who violates this section may be seized and held as evidence of the violation. Except as provided in §968.20(4), Wis. Stats., only the fireworks that are the subject of the violation of this section may be destroyed after the person is convicted of the violation. Except as provided in §968.20(4), Wis. Stats., fireworks that are seized as evidence of a violation for which no conviction results shall be returned to the owner in the same condition as they were when seized to the extent practicable.

(12) PENALTIES.

(a) Any person who sells Class 3 fireworks or possesses Class 3 fireworks with intent to sell the same in violation of subsection (2)(a) or (e) of this section shall be subject to a forfeiture of not less than \$200 nor more than \$1,000.

(b) Any person who commits a violation of subsection (3) of this section shall be subject to a forfeiture of not less than \$500 nor more than \$5,000.

(c) Any person who commits a violation of subsection (4) of this section shall be subject to a forfeiture of not less than \$100 nor more than \$5,000.

(d) Any person who commits a violation of subsection (6) of this section shall be subject to a forfeiture of not less than \$25 nor more than \$500.

(e) Any person, other than the minor's parent, foster parent, treatment foster parent, family-operated group home parent or legal guardian, who furnishes or sells Class 3 fireworks to a minor or permits a minor to use Class 3 fireworks in violation of subsection (8) of this section shall be subject to a forfeiture of not less than \$500 nor more than \$5,000.

(f) Any person who sells or furnishes Class 1 or 2 fireworks to a minor or permits a minor to use Class 1 or 2 fireworks in violation of subsection (8) of this section shall be subject to a forfeiture of not less than \$1,000 nor more than \$5,000.

(g) Any minor who uses or possesses fireworks in violation of subsection (9) of this section shall be subject to a forfeiture of not less than \$100 nor more than \$1,000.

(h) Any minor who falsely represents that he has attained the legal age to purchase, possess or use fireworks in violation of subsection (9) of this section shall be subject to a forfeiture of not less than \$200 nor more than \$1,000.

(i) Any person who stores or handles fireworks in violation of subsection (10) of this section shall be subject to a forfeiture of not less than \$100 nor more than \$1,000.

Section 2. Section 14.13 of the Town Ordinances is repealed.

Section 3. Fees. The fees to be charged for the permits are as follows:

- a. Annual Class 1 permit - \$25.00
- b. Annual Class 2 permit - \$20.00
- c. Annual Class 3 permit - \$500.00
- d. Temporary Class 3 permit - \$250.00 for each location.